

REMARKS:

Claims 1, 5, 6, 10, 14, 15, 19, 23, 24, and 28-31 are currently pending in the Application.

Claims 2-4, 7-9, 11-13, 16-18, 20-22, and 25-27 have been previously canceled without *prejudice*.

Claims 1-9, 28, and 29 stand rejected under 35 U.S.C. § 101.

Claims 1-9, 28, and 29 stand rejected under 35 U.S.C. § 112, second paragraph,

Claims 1, 5, 6, 10, 14, 15, 19, 23, 24, and 28-31 stand rejected under 35 U.S.C. 103(a) over U.S. Patent No. 5,758,327 to Gardner *et al.* ("*Gardner*") in view of U.S. Patent No. 7,117,165 B1 to Adams *et al.* ("*Adams*").

The Applicants respectfully submit that all of the Applicants arguments and amendments are without *prejudice* or *disclaimer*. In addition, the Applicants have merely discussed example distinctions from the cited prior art. Other distinctions may exist, and as such, the Applicants reserve the right to discuss these additional distinctions in a future Response or on Appeal, if appropriate. The Applicants further respectfully submit that by not responding to additional statements made by the Examiner, the Applicants do not acquiesce to the Examiner's additional statements. The example distinctions discussed by the Applicants are considered sufficient to overcome the Examiner's rejections. In addition, the Applicants reserve the right to pursue broader claims in this Application or through a continuation patent application. No new matter has been added.

REJECTION UNDER 35 U.S.C. § 101:

Claims 1-9, 28, and 29 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. The Applicants respectfully disagree.

Nonetheless, the Applicants have amended independent Claims 1, 28, and 29 to more particularly point out and distinctly claim the Applicants invention. The Applicants respectfully submit that Claims 1-9, 28, and 29 are directed to patentable subject matter and are clearly directed to patentable subject matter. In addition, these amendments are not considered narrowing or necessary for patentability. By making these amendments, the Applicants do not indicate agreement with or acquiescence to the Examiner's position with respect to the rejections of these claims under 35 U.S.C. § 101, as set forth in the Office Action.

For at least these reasons, the Applicant respectfully submits that Claims 1-9, 28, and 29 are directed to statutory subject matter. The Applicants further respectfully submit that Claims 1-9, 28, and 29 are in condition for allowance. Therefore, the Applicants respectfully request that the rejection of Claims 1-9, 28, and 29 under 35 U.S.C. § 101 be reconsidered and that Claims 1-9, 28, and 29 be allowed.

REJECTION UNDER 35 U.S.C. § 112:

Claims 1-9, 28, and 29 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Applicants respectfully disagree.

Nonetheless, the Applicants have amended independent Claims 1, 28, and 29 to more particularly point out and distinctly claim the Applicants invention. The Applicants respectfully submit that Claims 1-9, 28, and 29 are directed to patentable subject matter and are clearly directed to patentable subject matter. In addition, these amendments are not considered narrowing or necessary for patentability. By making these amendments, the Applicants do not indicate agreement with or acquiescence to the Examiner's position with respect to the rejections of these claims under 35 U.S.C. § 112, as set forth in the Office Action.

The Applicants respectfully submit that Claims 1-9, 28, and 29 are considered to be in full compliance with the requirements of 35 U.S.C. § 112. The Applicants further respectfully submit that Claims 1-9, 28, and 29 are in condition for allowance. Thus, the Applicants respectfully request that the rejection of Claims 1-9, 28, and 29 under 35 U.S.C. § 112 be reconsidered and that Claims 1-9, 28, and 29 be allowed.

REJECTION UNDER 35 U.S.C. § 103(a):

Claims 1, 5, 6, 10, 14, 15, 19, 23, 24, and 28-31 stand rejected under 35 § U.S.C. 103(a) over *Gardner* in view of *Adams*.

The Applicants respectfully submit that the ***amendments to independent Claims 1, 28, and 29 have rendered moot the Examiner's rejection of these claims and the Examiner's arguments in support of the rejection of these claims.*** The Applicants further respectfully submit that amended independent Claims 1, 28, and 29 in their current amended form contain unique and novel limitations that are not taught, suggested, or even hinted at in *Gardner* or *Adams*, either individually or in combination. Thus, the Applicants respectfully traverse the Examiner's obvious rejection of Claims 1, 5, 6, 10, 14, 15, 19, 23, 24, and 28-31 under 35 U.S.C. § 103(a) over the proposed combination of *Gardner* and *Adams*, either individually or in combination.

The Proposed *Gardner-Adams* Fails to Disclose, Teach, or Suggest Various Limitations Recited in Applicants Claims

For example, with respect to independent Claim 1, this claim recites:

A computer-implemented system for generating a request for quote (RFQ), comprising:

one or more computer systems comprising:

an ***RFQ engine comprising*** one or more components, wherein the one or more components are organized logically into one or more applications, the RFQ engine comprising:

a data and metrics application, the data and metrics application receives input from a user and generates a data and metrics model for an RFQ template using a data and metrics meta-model;

a state transition application, the state transition application receives input from the user and generates a state transition model for the RFQ template using a state transition meta-model;

a **workflow application, the workflow application receives** input from the user and **generates a user interface workflow** for the RFQ template using a workflow meta-model; and

an execution engine operable to execute the RFQ template comprising the data and metrics model generated by the data and metrics application, the state transition model generated by the state transition application, and the user interface workflow generated by the workflow application, the RFQ template being executed to generate an RFQ. (Emphasis Added).

In addition, *Gardner and Adams* fail to disclose each and every limitation of independent Claims 10, 19, and 28-31.

The Applicants respectfully submit that *Adams* fails to disclose, teach, or suggest amended independent Claim 1 limitations regarding a “**computer-implemented system for generating a request for quote (RFQ)**” and in particular *Adams* fails to disclose, teach, or suggest amended independent Claim 1 limitations regarding “a **workflow application, the workflow application receives** input from the user and **generates a user interface workflow** for the RFQ template using a workflow meta-model”. In particular, the Examiner equates the “**workflow**” recited in amended independent Claim 1 with the “**wizard**” disclosed in *Adams*. However, **the wizard disclosed in Adams** is merely a requisition wizard for employees who need to buy something, but **does not include, involve, or even relate to the workflow application**, as recited in amended independent Claim 1. (Column 3, Lines 9-56). In contrast, the “**workflow application**” recited in amended independent Claim 1 **receives** input from the user and **generates a user interface workflow** for the RFQ template using a workflow meta-model. Thus, the Applicants respectfully submit that the equations forming the foundation of the Examiner’s comparison between *Adams* and independent Claim 1 cannot be made. The Applicants further respectfully submit that these distinctions alone are sufficient to patentably distinguish independent Claim 1 from *Adams*.

The Applicants Claims are Patentable over the Proposed *Gardner-Adams* Combination

The Applicants respectfully submit that independent Claim 1 is considered patentably distinguishable over the proposed combination of *Gardner* and *Adams*. This being the case, independent Claims 10, 19, and 28-31 are also considered patentably distinguishable over the proposed combination of *Gardner* and *Adams*, for at least the reasons discussed above in connection with independent Claim 1.

Furthermore, with respect to dependent Claims 5, 6, 14, 15, 23, and 24: Claims 5 and 6 depend from independent Claim 1; Claims 14 and 15 depend from independent Claim 10; and Claims 23 and 24 depend from independent Claim 19. As mentioned above, each of independent Claims 1, 10, 19, and 28-31 are considered patentably distinguishable over *Gardner* and *Adams*. Thus, dependent Claims 5, 6, 14, 15, 23, and 24 are considered to be in condition for allowance for at least the reason of depending from an allowable claim.

For at least the reasons set forth herein, the Applicants respectfully submit that Claims 1, 5, 6, 10, 14, 15, 19, 23, 24, and 28-31 are not rendered obvious by the proposed combination of *Gardner* and *Adams*. The Applicants further respectfully submit that Claims 1, 5, 6, 10, 14, 15, 19, 23, 24, and 28-31 are in condition for allowance. Thus, the Applicants respectfully request that the rejection of Claims 1, 5, 6, 10, 14, 15, 19, 23, 24, and 28-31 under 35 U.S.C. § 103(a) be reconsidered and that Claims 1, 5, 6, 10, 14, 15, 19, 23, 24, and 28-31 be allowed.

THE LEGAL STANDARD FOR OBVIOUSNESS REJECTIONS UNDER 35 U.S.C. § 103:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, ***there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.*** Second, there must be a reasonable expectation of success. Finally, ***the prior art reference*** (or references when combined) ***must teach or suggest all the claim limitations.*** The teaching or suggestion

to make the claimed combination and the reasonable expectation of success must both be found in the prior art, **and not based on applicant's disclosure**. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991); M.P.E.P. § 2142. Moreover, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974). If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988); M.P.E.P. § 2143.03.

With respect to alleged obviousness, **there must be something in the prior art as a whole to suggest the desirability**, and thus the obviousness, of making the combination. *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561 (Fed. Cir. 1986). In fact, the absence of a suggestion to combine is dispositive in an obviousness determination. *Gambro Lundia AB v. Baxter Healthcare Corp.*, 110 F.3d 1573 (Fed. Cir. 1997). The mere fact that the prior art can be combined or modified does not make the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1990); M.P.E.P. § 2143.01. The consistent criterion for determining obviousness is whether the prior art would have suggested to one of ordinary skill in the art that the process should be carried out and would have a reasonable likelihood of success, viewed in the light of the prior art. Both the suggestion and the expectation of success must be founded in the prior art, not in the Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991); *In re O'Farrell*, 853 F.2d 894 (Fed. Cir. 1988); M.P.E.P. § 2142.

A recent Federal Circuit case makes it clear that, in an obviousness situation, the prior art must disclose each and every element of the claimed invention, and that any motivation to combine or modify the prior art must be based upon a suggestion in the prior art. *In re Lee*, 61 U.S.P.Q.2d 1430 (Fed. Cir. 2002). Conclusory statements regarding common knowledge and common sense are insufficient to support a finding of obviousness. *Id.* at 1434-35.

CONCLUSION:

In view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and early reconsideration and a Notice of Allowance are earnestly solicited.

Although the Applicants believe no fees are deemed to be necessary; the undersigned hereby authorizes the Director to charge any additional fees which may be required, or credit any overpayments, to **Deposit Account No. 500777**. If an extension of time is necessary for allowing this Response to be timely filed, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) to the extent necessary. Any fee required for such Petition for Extension of Time should be charged to **Deposit Account No. 500777**.

Please link this application to Customer No. 53184 so that its status may be checked via the PAIR System.

Respectfully submitted,

26 September 2007

Date

/Steven J. Laureanti/signed

Steven J. Laureanti, Registration No. 50,274

BOOTH UDALL, PLC
1155 W. Rio Salado Pkwy., Ste. 101
Tempe AZ, 85281
214.636.0799 (mobile)
480.830.2700 (office)
480.830.2717 (fax)
steven@boothudall.com

CUSTOMER NO. 53184